

**CRIMINAL JUSTICE SERVICES BOARD  
COMMITTEE ON TRAINING**

**MINUTES  
*September 15, 2011***

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:06 a.m. on Thursday, September 15, 2011, in House Room D of the General Assembly Building, in Richmond, Virginia.

***Members Present:***

Ms. Kathy Brame (*Proxy for Howard W. Clarke, Director, Department of Corrections*)  
Chief Jeffrey Brown  
Mr. Robert L. Bushnell  
Mr. Ted Byrd  
Mr. Charles Ciccotti  
Chief Richard Clark  
Sheriff Charles Jett  
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)  
Sheriff Charles W. Phelps, Chair  
Colonel David Rohrer  
Mr. Bobby Russell  
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)  
Mr. Sherman C. Vaughn

***Members Not Present:***

Sergeant Charles J. Condon

***DCJS Staff Present:***

Ken Adcock  
Teresa Gooch  
Sharon Gray  
David Hewes  
Sam Hoffman

Eliza Holcomb  
Loretta Lynch  
Lisa McGee  
Donna Michaelis  
Terry Montgomery

Stephanie Morton  
Thomas E. Nowlin  
Jerri Smith  
Garth Wheeler

***Others Present:***

Martin R. Alford, *New River Criminal Justice Training Academy*  
Scott Barlow, *Hampton Roads Criminal Justice Training Academy*  
Donna Bollander, *Richmond Police Academy*  
Jon Cliborne, *Crater Criminal Justice Training Academy*  
Ben Craft, *Chesterfield County Sheriff's Office*  
Vince Ferrara, *Hampton Roads Criminal Justice Training Academy*  
Judson Flagg, *Hanover Sheriff's Office*  
Donald Hunter, *Crater Criminal Justice Training Academy*  
Eric Jones, *Chesterfield County Sheriff's Office*  
Janet Joyce, *Chesterfield Police Academy*  
Bob Marland, *Richmond Police Department*  
Fred Miller, *Prince William County Criminal Justice Academy*  
Bill O'Toole, *Northern Virginia Criminal Justice Academy*  
Shane Roberts, *Portsmouth Sheriff's Office*  
David L. Rogers, *Department of Corrections/Academy for Staff Development*  
Lorrie Smith, *Chesterfield Police Academy*  
Ron Staton, *Central Virginia Criminal Justice Academy*  
Bill Tower, *US Department of Transportation, National Highway Traffic Safety Administration*  
Dave Vice, *Rappahannock Regional Criminal Justice Academy*  
Grant Warren, *Virginia Commonwealth Police Academy*

***Call To Order:***

Chairman Phelps called the meeting to order. The roll was called with thirteen (13) members present, which indicated a quorum. Chairman Phelps noted that the minutes of the last meeting had been mailed to the members and asked if there were any other questions or comments regarding the minutes. Hearing none, Mr. Vaughn made a motion to approve the minutes, Captain Terry seconded, and the minutes were approved unanimously.

***Old Business:***

There was no old business.

*New Business:*

**Report of the Law Enforcement Curriculum Review Committee**

Chairman Phelps introduced Captain Terry to give a report on the Law Enforcement Curriculum Review Committee (CRC) regarding legislative changes connected to protective orders involving crimes related to abuse and family offenses. Captain Terry would also report on the proposed changes to performance outcomes (PO) concerning driving under the influence (DUI).

Captain Terry distributed a comment matrix (***copies available upon request***) and advised that the CRC met on July 7, 2011. There were two items that were discussed.

- **Performance Outcome 2.29.** Protective Orders. The language was expanded to include the types of offenses and the classes of people that were protected under protective orders. After review, the CRC determined there was no need to change the verbiage in the PO.
- **Performance Outcome 4.46.** Driving Under the Influence (DUI). Captain Terry noted that there was considerable discussion during the meeting of the CRC pertaining to DUI. He indicated that some agencies were already training with the National Highway Traffic Safety Administration's (NHTSA) standards, including Virginia State Police Academy. NHTSA's Standardized Field Sobriety Testing (SFST) included: the horizontal gaze nystagmus (HGN) test, the walk-and-turn test, and the one-leg-stand test. The agencies believed that the test was valid and that it was widely supported. Captain Terry stated that at the conclusion of the July 7 meeting, members went away with the understanding that the SFST would be adopted. He advised that the COT would hear from some of the academy directors present whether or not training in SFST could be completed by the deadline.

Captain Terry informed that Butch Letteer, Manager, Virginia Highway Safety Office (VHTSA) at the Department of Motor Vehicles (DMV), appeared before the COT in December 2010 with cognitive instructions that could be taught by January 1, 2012. Captain Terry mentioned that a meeting of the Virginia Association of Directors of Criminal Justice Training (VADCJT) was held on August 29, 2011, at the Department of Corrections (DOC). There was discussion of whether some of the local academies could meet the deadline of January 1, 2012 in teaching the NHTSA standards, with respect to the number of instructors who were qualified to teach in that area.

Sheriff Phelps asked if there were any questions or concerns. Mr. Bushnell mentioned that he had had discussions with his colleagues regarding standards of field sobriety and wanted to know how long had NHTSA standards been practiced and if they were a proven way to determine whether or not an individual was impaired. He also noted that prosecutors had mentioned that some judges seemed to think the NHTSA standards were viable. The fear was that an officer might find it difficult to respond appropriately when a well-determined defense attorney asked questions. A judge might respond that the SFST may not be sufficient. Mr. Bushnell clarified that it might be determined that the NHTSA standards were very helpful. However, they were not the only method in determining a DUI. Captain Terry responded that the standards were valid and had been proven across the country that they were a good gauge in determining if an individual was under the influence of alcohol.

Chairman Phelps asked if there were any additional questions or comments. Hearing none, he moved to the next item on the agenda.

**Suggestions for New Members of the Law Enforcement; Jailors, Court Security/Civil Process; and Dispatcher Curriculum Review Committees**

Sheriff Phelps mentioned that some of the terms of the various Curriculum Review Committees' (CRC) members had expired. He introduced Sam Hoffman, Manager, Standards, Policy and Homeland Security, to present the nominations for those vacancies.

Sam Hoffman indicated the Virginia Administrative Code (VAC) provided for a standing CRC for three of the four criminal justice disciplines regulated by the Department of Criminal Justice Services (DCJS). He noted that defining a CRC for the correctional officers of the Virginia Department of Corrections (VADOC) was progressing in collaboration with DOC. He mentioned that several of the current committees' members' terms would expire by the end of the calendar year. Each of the CRC's required nine (9) members according to the Code. However, the Jailer CRC had only eight (8) members until changes were made in the Code to modify that number due to the elimination of a position cited in the Code.

The following nominations were presented for the CRC's for the term of 2011- 2014:

**Law Enforcement:**

- Douglas Cooley, Director, Southwest Virginia Criminal Justice Training Academy;
- Donald Hunter, Director, Crater Criminal Justice Training Academy;
- Stacy Kelly, Captain, Newport News Police Academy;
- John Landfair, Director, Chesapeake Police Academy;
- Lorrie Smith, Captain, Chesterfield County Police Academy;
- Lenmuel Terry, Director, Virginia State Police Training Academy; and
- David Vice, Director, Rappahannock Regional Criminal Justice Training Academy.

**Jail/Court Security/Civil Process Service:**

- Stephen Clear, Superintendent, Southwest Virginia Regional Jail Authority;
- Bruce Conover, Interim Superintendent, Northwestern Regional Adult Detention Center; and
- Bobby Russell, Superintendent, Western Virginia Regional Jail.

**Dispatcher:**

- Martin Alford, Director, New River Criminal Justice Training Academy;
- Robert Dillard, Commander, Training Unit, Henrico County Police Training Academy;
- Laura Erlandson, Communications Officer, Fairfax County Department of Public Safety Communications;
- Vince Ferrara, Director, Hampton Roads Criminal Justice Training Academy;
- Alfred Miller, Captain, Prince William County Criminal Justice Training Academy;
- Delores Rhodenizer, Virginia State Police Academy;

- Nicholas Stepaniak, Communications Officer, Stafford County;
- Emily Totten, Communications Training Director, Roanoke County Communications;  
and
- Debbie Wade, Communications Officer Supervisor, Albemarle County.

Chairman Phelps asked if there were any questions or comments. Hearing none, Mr. Bushnell made a motion that the recommendations for the CRC's be adopted, Chief Clark seconded, and the motion was passed unanimously. Chairman Phelps thanked the members for their dedication and willingness to serve.

### **Public Comment**

Chairman Phelps asked if there was anyone in the audience who wanted to address the COT concerning matters within its purview.

Ron Staton, Director, Central Virginia Criminal Justice Academy, asked to speak to the Committee. He indicated that he was also the Director of the Virginia Association of Directors of Criminal Justice Training (VADCJT) and was present to speak on the association's behalf. He mentioned that on September 9, 2011, he sent a letter to Director Garth Wheeler requesting that the language pertaining to HGN be removed from **PO 4.46** as it was a specialty type of instruction that only a NHTSA instructor could teach. Mr. Staton noted that if the language regarding HGN was left in **PO 4.46** with the current deadline of January 1, 2012, the PO would take effect within thirty (30) days of the date it was approved (October 15, 2011). He advised that the VADCJT held a meeting, and the majority of the academies were not on board with the instructors required by NHTSA.

Mr. Staton indicated that Bill Tower, US Department of Transportation, National Highway Traffic Safety Administration (NHTSA), was present to respond to any questions. Mr. Staton mentioned that the academies were in support of teaching according to the NHTSA standards. However, they did not have the adequate instructor cadre certified to conduct the training within the specified timeframe as there were only six (6) instructors in Virginia qualified to conduct the NHTSA trainings. He noted that the academies would be able to teach full NHTSA standards by January 1, 2014, when all academies would be in compliance.

Mr. Staton also referred to **PO 4.46.9. Prepare field notes for prosecution for driving under the influence (DUI) cases to submit to the forensic laboratories.** He indicated that officers do not send field notes to the forensic laboratory for DUI cases. Therefore, the academies would be testing students on something that was not practiced.

Chairman Phelps asked if there were any questions or comments. Chief Brown asked if the academies had a plan or timeline to be able to provide the instructors. Mr. Staton responded that the timeline was under the control of the Department of Motor Vehicles (DMV). Therefore, the academies could not provide a schedule. He noted that the first process for becoming NHTSA-certified was to attend a 24-hour basic school that would be taught by NHTSA. The student must take a preliminary test and then attend a 32-hour instruction school six months later. After attending the 32-hour training, one of the six (6) master gurus must observe the instruction of a

24-hour NHTSA school taught by the candidate for NHTSA instructor certification. Once this was completed, the instructor could be certified to teach the NHTSA guidelines.

Mr. Tower advised that he wanted to clear up some misconceptions about field sobriety schools. The standards were initially developed in the 1970's. NHTSA conducted a series of research tests to ascertain which would be the best in determining field sobriety. They discovered that the HGN, the walk-and-turn, and the one-leg-stand tests were the best options. In the 1990's, three (3) more tests were conducted by NHTSA to see if those tests were valid at the level of .08 and discovered that they were.

Mr. Tower informed that training came into play after cases around the country, which had gone to the higher courts, showed that field sobriety training must be done according to the NHTSA standards. He mentioned that he had provided a copy of the training to Teresa Gooch, Director, DCJS Division of Law Enforcement. The course was simple and about 24 hours in length where the students were exposed to DUI detection and how to manage those detections under practical conditions. Part of NHTSA's practice was to bring people up to the level of impairment, where candidates were able to practice the SFST's on each other. The students would also attend workshops. During the three days of training, the candidates developed a reasonable basic level of proficiency.

Mr. Tower indicated that they had to determine how officers strayed away from the basics and later became instructors who were teaching tests other than what they were initially instructed. When this came to the office of NHTSA's attention, NHTSA sought to bring the training back into Virginia to make sure the officers were trained according to the NHTSA standards. He advised that the defense bar was training their attorneys according to the NHTSA standards for instructors. Those attorneys were well-prepared when they presented in court and usually knew the tests better than the officers. In instances where officers were not using NHTSA guidelines, the attorneys would show the judges that the SFST's were valid and question why they were not followed by the officers.

Mr. Tower also clarified the misconception that NHTSA and the International Association of Chiefs of Police (IACP) certified individuals in the training. He noted that every state could determine certification. He mentioned that Virginia was one of the states where the program failed, due to lack of follow-up, supervision and testing of the proficiencies of the instructors. In bringing the training back to Virginia, DMV had attempted to get enough instructors to staff the training around the state. However, that had not happened.

Mr. Tower advised that it might be prudent to delay the implementation of the standard. He mentioned that it would be of great concern that the Committee remove the NHTSA/IACP standards from the PO and that the testing be placed in a consistent order in training. He noted that he had discussed with Mr. Letteer, DMV, and the six (6) NHTSA master instructors, and all were in agreement that the timeline was appropriate and could be reached. He mentioned that NHTSA wanted to meet the deadline of January 1, 2012. However, it was important that Virginia had every officer on the streets using the NHTSA/IACP guidelines. He explained that NHTSA funded the guidelines, and the IACP published them.

Chairman Phelps asked if there were any other questions or comments. Chief Brown asked if the outcomes they would see from the courts using NHTSA tests versus others be a greater number

of convictions. Mr. Tower responded that once the standards were set, the courts accepted them. He added that NHTSA was determined to provide assistance to officers in the courts.

Mr. Staton reminded that there was a question earlier about the progression from practitioner to senior instructor. However, he reiterated what Mr. Tower had indicated regarding attendance of basic course, conducting sobriety tests in the field, and the progression to becoming a proficient instructor. He added that once those individuals became more confident in testing, they would become better witnesses and not be stymied by the defense attorneys in a courtroom as they would know the NHTSA standards. He noted that once they reached proficiency, the candidates would have to pass a written proficiency test and know the standards, and could attend an instructor school. Specific to Virginia, the candidates would have to teach the course twice under the supervision of an experienced senior instructor before being able to instruct a class on their own. At some level after conducting a number of schools, they could become a master instructor.

Mr. Tower mentioned that what had happened in Virginia was a disaster regarding SFST's as they were not moving as quickly to make the tests a standard as NHTSA had hoped. He informed that additional time was needed to train and that NHTSA would provide whatever assistance Virginia needed.

Mr. Bushnell noted that he was impressed with Mr. Tower's presentation and that it would be beneficial to have every officer trained in NHTSA standards, especially in HGN. His experience was that there were many officers who had reached a level with the testing they were conducting. However, he believed Virginia had not been disastrous in their training as there was an estimated ninety percent (90%) conviction rate regarding field sobriety. He indicated that if the officer did not know how to conduct the tests because of not having had the proper training, the prosecutor would have significant problems from the beginning of the case. He mentioned that in instances such as that, probable cause would be most effective. Mr. Bushnell acknowledged that his concern was about cases where there was a refusal to take the test. Getting a conviction would be more reliant on the officer's testimony that the officer was NHTSA-trained and conducted the various tests. This would also assist in getting probable cause with the experienced drinker who could mask the symptoms of a DUI but could not mask the HGN. Mr. Bushnell expressed his hopes that the standards could be written so that the prosecution did not get hampered by the absence of a particular sophisticated mechanism that was useful in a small percentage of cases.

Mr. Tower clarified that the disaster he had spoken of earlier was regarding the SFST program and not in reference to the reduction of DUI's in Virginia. He indicated it was important that SFST training gave the officer the confidence to perform the test as confidence in trial would get a conviction. He noted that Virginia was unique in that any officer with probable cause could also test for drugs. The Advanced Roadside Impaired Driving Enforcement (ARIDE) was a course where officers could be trained to detect drivers who were under the influence of a drug other than alcohol. Mr. Tower mentioned that almost all states had a Drug Recognition Expert (DRE), police officer trained to recognize a drug impaired driver, and that Virginia was one of the first states with a valid DRE program. However, the course was not monitored and was no longer available in Virginia. He added that SFST would be a great tool for ARIDE and DRE. Officers trained in ARIDE were able to administer a twelve-step program to see if the person was impaired. There were seven basic categories, which had been proven as powerful tools to ensure a conviction in court.

Chairman Phelps asked if there were any other questions or comments. Chief Brown asked if the SFST's would be taught in a basic academy if they were to be made standard. Mr. Tower responded that one of the first major traffic stops new recruits made would involve a DUI, and it would be preferable to offer the training at the basic academy. Therefore, other trainings would be offered through in-service. He noted that Maryland conducted those types of trainings. Lieutenant Bob Marland, Richmond Police Academy, indicated that with more time the same could be done in Virginia.

Mr. Staton advised that the academies wanted the NHTSA training. However, if the language remained in the PO to provide HGN, the standard would become effective thirty (30) days from the date it was approved by the COT and CJSB. He added that not all of the academies were prepared to provide the instructors. He clarified that after much discussions, the VADCJT had determined that academies would not be able to meet the standards as they were written.

Sheriff Jett asked how many academies were providing the instructions in basic training. Mr. Staton responded that some of the academy instructors thought to be certified to teach SFST's were actually teaching the tests incorrectly and that the majority of the academies were making a good effort to provide the training. Mr. Tower noted that a minimum of twenty-four (24) hours of training was indicated in the standards. Yet, it was discovered that many of the academies had been providing more than twenty-four hours of training along with other elements of DUI.

Mr. Bushnell referred to the request for extending the deadline for training to 2014 and asked if the training might be conducted in less time. Mr. Staton reiterated that, unless there was a change approved by the COT and CJSB, the current language would indicate that all SFST training should be completed by 2012.

Lt. Marland noted that he was one of the six (6) master instructors providing training in SFST's between Richmond, Lynchburg, and Henrico. He indicated that two years would allow sufficient time to conduct the training and for the officers to gain the experience necessary to perform the tests. However, the six instructors would be stretched in order to meet the deadline. Sheriff Jett asked if it was Lt. Marland's recommendation that the academies suspend training in HGN, the walk-and-turn, and the one-leg-stand tests. Mr. Staton responded that the intent was that academies with HGN-qualified instructors should move forward. Yet, the master instructors would need 2 years to bring all officers up to speed with NHTSA training. He noted that Central Virginia had been conducting NHTSA training for years and would continue.

Mr. Ciccotti asked for clarification that some of the academies had been conducting training improperly. Mr. Staton responded that that was what Mr. Tower had indicated. There had been an instructor who conducted the training around the state, and the academies had assumed that the individual was NHTSA qualified.

Chief Brown asked if the matter could be tabled as he was not confident that six master instructors were going to be able to develop a cadre of instructors that could provide the training to the forty academies. He added that there was a need for a strong plan to implement the standard, and it would require additional studies prior to development.

Chairman Phelps deferred to Ms. Gooch on her concerns regarding the deadline of January 1, 2012. Ms. Gooch advised that the academies needed more time to provide the training. She

suggested that the Committee should look at the deadline and make the determination if that would be an adequate timeframe. She noted that the Department was committed to the most professional field sobriety standards and was supportive of the IACP and NHTSA guidelines. Mr. Ciccotti asked if Ms. Gooch was recommending the extension of the deadline to 2014. Ms. Gooch responded that the body should pay attention to what the master instructors had advised. However, the CRC was following the regulations. Ms. Gooch deferred to Captain Terry.

Captain Terry responded that he understood the concerns of the academy directors, and he believed it was important that officers received the best training. He asked Lt. Marland if it would be possible to get the training sooner than January 2014. Lt. Marland responded that the six trainers would also use their personal time to teach. However, it would be important that DMV provided a timeframe in order to cover all areas of training for all geographical areas of Virginia by the deadline. Mr. Staton reminded that the training was DMV-driven as DMV had made the presentation to the COT in December 2010 offering support to the academies to conduct the training. Captain Terry added that the academies that had the certified NHTSA instructors would continue to provide the training and that he was supportive of extending the deadline.

Mr. Russell asked about the scope of the training and its significance. Mr. Staton responded that the veteran officers would have to receive in-service training in SFST. He noted that the current discussion was regarding providing basic training in SFST's for the officers. He also reminded that Mr. Bushnell had indicated officers could make arrests for DUI's without having participated in SFST training.

Mr. Tower mentioned that NHTSA had developed a one-day training consisting of reviews and updates for individuals who had been trained within the past five or six years. Individuals who had been trained about twenty years ago would have to go back to basic class as the curriculum had changed. He advised that NHTSA would need additional time to work with DMV to bring in out-of-state instructors to help train officers around Virginia. The trainings might be able to be accomplished prior to the deadline 2014. However, they would have to discuss the matter with DMV.

Mr. Bushnell asked if the plan was to double or triple the amount of instructors by bringing instructors from out of state with DMV to add to the cadre of six master instructors. Mr. Tower responded that that was a possibility. Lt. Marland indicated that DMV would have to agree with the plan as they were providing the funds.

Chief Brown asked for clarification of DMV's role and asked if it was a federal mandate that the standards be implemented. Mr. Tower responded that it was not a federal mandate. He added that NHTSA received the money from Congress. The funds go to each state's highway safety office to develop training. One of the objectives was to provide standardized training. The states could use the funds however they chose with oversight from NHTSA. He noted that for various reasons it was determined that they would be unable to reach the goal of January 2012. Yet, NHTSA would do whatever they could to try and reach that deadline.

Captain Terry asked if DMV was factored in the matter because the funds were channeled through them. Mr. Tower responded that that was correct. Chief Brown asked if DMV was represented at the meeting. Mr. Tower responded that they were not present. Ms. Gooch

indicated that there was a meeting scheduled for October 19, 2011, with the Director and NHTSA to continue the discussion. She reminded that the Department, in conjunction with the COT, established training and performance objectives; DMV did not set those.

Colonel Rohrer asked about how the deadline of January 2012 had been derived. Ms. Gooch responded that after researching, it was determined that DMV appeared before the COT in December 2010, and based upon their assertions at that meeting, the Committee on Training approved the recommendations as they believed 2012 was a reasonable goal. Since that time the training had not occurred with the frequency of covering the state with trainers of competent instructors. She advised that there was a regulatory process that had to also go through the CRC prior to COT. Captain Terry concurred that DMV did appear before the COT in December 2010. At that time, it was thought that the trainings could be met by the deadline of January 2012. However, that had not been the case.

Ms. Gooch acknowledged that the consequences were that there was a standard written that all law enforcement officers would comply by January 2012. That could not occur because the training of the instructors and senior instructors had not taken place. She noted that the reason the Department went through the CRC was that the deadlines were not being met. The consequence was that if the Committee did not move on that item, those standards would not be met.

Mr. Ciccotti asked if the standard could be changed, and the response was that it could be changed. Mr. Staton referred to the language in 4.46 and noted that the COT had approved the basic school training in December 2010. Colonel Rohrer asked if any other academy directors had a comment.

Mr. Russell asked if they would have to defer to the original language. Mr. Staton responded that that would be up to the Committee on Training. Mr. Russell asked Mr. Staton for his recommendation. Mr. Staton responded that after discussions with Mr. Tower and Lt. Marland, he realized that 2012 would not be the best date for implementing the NHTSA/IACP guidelines. He suggested that perhaps the academies would provide regular reports to the COT on how they were progressing every six (6) months.

Mr. Russell mentioned that he respected the position of the academies in determining their success in providing the training. Mr. Staton added that his academy had one of the six master instructors. Virginia State Police Academy and Richmond Police Academy had the others.

Mr. Ciccotti suggested that the matter could be tabled until after the October meeting with DMV as it appeared that DMV controlled how the training would progress because of their providing the funds. Mr. Bushnell mentioned that he liked the idea of tabling the matter. However, he felt that if it was tabled, their position of negotiating with DMV would be diminished. He noted that he would make the motion that they adopt the proposal that the changes would be made by January 1, 2012, and if the academies needed additional time to provide the training, the Department would inform DMV that additional instructors would be needed from out of state. Based on this information, they could extend the deadline.

Chief Clark expressed his admiration to Lt. Marland for his dedication. He noted that the COT had heard a promise of providing training from DMV in December 2010 with a deadline of

January 1, 2012, which was not possible. However, additional time was needed to provide the training. Therefore, he would second Mr. Bushnell's motion if the deadline would be extended to 2014. Mr. Bushnell accepted the amendment to his motion.

Chief Brown requested that the Department be allowed to meet with DMV and amend regulation if the date was not removed from the rule. Mr. Bushnell mentioned that the default would be that the standard would become effective within 30 days of that meeting if the date for the deadline was not amended. He added that it would be a benefit if DMV would be able to accomplish the training earlier. Chief Brown rescinded his request.

Chairman Phelps clarified that the motion was that, with no objection, the proposed change would be the removal of the deadline of January 2012 from the standards and extending it to January 1, 2014. Chairman Phelps asked if the Committee could hear from some of the academy directors who were present.

Martin R. Alford, Director, New River Criminal Justice Training Academy, indicated that he was speaking on behalf of his academy and a number of the other directors. He indicated that they supported the efforts to move forward with conducting the training according to the NHTSA/IACP guidelines. However, there was a third party that controlled the funding, which would impact the delivery of the standards. The academies wanted what was best for all of the officers. Yet, they were misguided as the standards were not correct in citing the deadline within two years of the presentation by NHTSA and DMV (December 2010). He acknowledged that having two years as a deadline without adequate feedback from the agency who had offered the assistance would be a task to deliver the training by 2014. Mr. Alford mentioned that the basic schools would not only be affected as in-services would also be needed to bring officers up to standard. He advised that they would have to set deadlines that needed to be met. He noted that independent agencies might be able to meet the deadlines. However, regional academies would have to deal with more member agencies.

Colonel Rohrer asked if Mr. Alford supported the motion of moving the deadline to 2014. Mr. Alford responded that the COT should hold DMV accountable.

Chairman Phelps asked to hear from other academy directors who were present. Bill O'Toole, Northern Virginia Criminal Justice Academy (NOVA), indicated that NOVA had been teaching the NHTSA standards in basic schools for 4 – 5 years. He noted that using a wet lab to bring in drinkers was more challenging. He advised that the first time a newly graduated law enforcement officer encountered someone who was intoxicated should not be in the field but in the academy. He noted that NOVA did not have one of the six (6) NHTSA-certified instructors to provide training. However, NOVA had a cadre of instructors to teach basic and in-service schools. He suggested that the actual language of the standards be consistent with the NHTSA/IACP standards.

Mr. Vaughn mentioned that it should be articulated in the motion that the Department communicate with DMV as there was a serious concern with regard to how DMV had not provided the assistance promised to offer the instructors or meet the deadline. Mr. Bushnell amended the motion that DCJS would communicate the motion to the highest level of DMV with the request that the highest priority be placed on that initiative.

Chairman Phelps asked Director Wheeler if the communication with DMV needed to be added to the motion. Mr. Wheeler responded that it did not. Colonel Rohrer indicated that they needed to hear from DMV, and Mr. Bushnell suggested that DMV be invited to the December meeting of the COT to discuss the matter.

Chairman Phelps clarified that the motion was to change the deadline of including the NHTSA/IACP guidelines to the standards from January 2012 to January 2014. Colonel Rohrer noted that he wanted to make sure that they were addressing the comments in the matrix and the language mentioned by Mr. O'Toole in the standards. Ms. Gooch responded that this had been clarified and that the language was correct. The motion was voted upon and passed unanimously.

Mr. Staton asked about **PO 4.46.9** and the field notes. Chairman Phelps noted that this item was not in the original timeframe and would be addressed on a later occasion.

**Next Meeting**

Sheriff Phelps advised that the next meeting of the Committee on Training was scheduled for Thursday, December 8, 2011.

**Adjournment**

A motion was made by Mr. Condon to adjourn the meeting. It was seconded by Russell and was carried unanimously. The meeting was adjourned at 10:31 a.m.

Respectfully submitted,

Thomas E. Nowlin  
Recording Secretary

Approved: \_\_\_\_\_  
The Honorable Charles W. Phelps  
Chair

\_\_\_\_\_  
Date

Attachment(s)